

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ANGELO CLARK,

Plaintiff,

v.

C. A. No. 06-465 - SLR

REGIONAL MEDICAL FIRST

CORRECTIONAL,

MANAGER ANGELA WILSON, AND

CORRECTIONAL MEDICAL SERVICES,

TRIAL BY JURY OF
TWELVE DEMANDED

Defendants.

**DEFENDANT CORRECTIONAL MEDICAL SERVICES, INC.'S
MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Defendant, Correctional Medical Services (hereinafter CMS), by and through its' undersigned attorney to hereby move pursuant to Fed. R. Civ. P. 16 and D. Del. L.R. 16.4 for an extension of time within which to respond to Plaintiff's Motion for Summary Judgment and in support thereof states as follows:

1. On May 12, 2008 the Court re-opened the above matter (DI 105) and directed that Plaintiff file a response to the Motion for Summary Judgment (DI 72) on or before June 12, 2008 and directed Defendants to file a reply brief on or before June 26, 2008.

2. Plaintiff filed a response to the Motion for Summary Judgment on May 29, 2008 (DI 106).

3. Thereafter, on June 10, 2008, Plaintiff filed a Motion for Summary Judgment (DI 112) to which a response would be due under Court rule by June 24, 2008.

4. Additionally on June 18, 2008, Plaintiff filed a Brief in Support of the Motion for Summary Judgment (DI 114) and sealed medical records (DI 115). The undersigned has not yet seen the sealed medical records (DI 115) as Plaintiff, currently residing in Delaware Psychiatric Center (DPC) and he is not mailing counsel copies of the pleadings filed with the Court. Consequently, we are notified by CM/ECF that sealed documents were filed and have been contacting the Clerk to obtain copies of same, as needed

5. Defendants seek to extend the response deadline to Plaintiff's Motion for Summary Judgment until July 31, 2008 as Defendants have been working on the reply to DI 106 which was directed by the Court to be filed by June 26, 2008. Additionally, due to the incoherent nature of Plaintiff's Motion for Summary Judgment (DI 112 & 114), Defendants need additional time to decipher its meaning in order to be able to draft a meaningful response (if any) for the Court.

6. To the extent Defendants can address the content of DI 112 and 114 in the reply which they intend to file by June 26, 2008, they will do so, however, this extension is needed because the response deadline to DI 112 is June 24, 2008 and Defendants did not want the docket to reflect that the response deadline for DI 112 expired with no response and/or extension motion. Additionally, the Brief in Support of the Motion was not received until June 18, 2008 (DI 114) and Defendant is still in the process of obtaining certain sealed records (DI 113 and 115) from the Court (which Plaintiff has not mailed to the undersigned).

WHEREFORE, Correctional Medical Services respectfully requests that a 30 day extension be granted to respond to Plaintiff's Motion for Summary Judgment to July 31, 2008.

/s/ Eileen M. Ford
Eileen M. Ford, Esquire (ID # 2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant
Correctional Medical Services

Date: June 23, 2008

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Defendants.

: C. A. No. 06-465 - SLR

: TRIAL BY JURY OF
: TWELVE DEMANDED

NOTICE OF MOTION

PLEASE TAKE NOTICE that the attached motion for extension of time to respond to Plaintiff's Motion for Summary Judgment has been presented by Defendant, Correctional Medical Services, Inc., and will be heard at the convenience of the Court.

/s/ Eileen M. Ford
Eileen M. Ford, Esquire (ID # 2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant
Correctional Medical Services

Date: June 23, 2008

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TRIAL BY JURY OF
TWELVE DEMANDED

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ORDER

Upon consideration of Defendant, Correctional Medical Services, Inc.'s, Motion for Extension of Time to Respond to Plaintiff's Motion for Summary Judgment, and any response thereto, IT IS HEREBY ORDERED this _____ day of _____, 2008 that said motion is GRANTED.

IT IS FURTHER ORDERED, that unless Correctional Medical Services, Inc., addresses DI 112 & 114 in the reply to DI 106 that is due on or before June 26, 2008, that Defendant, Correctional Medical Services, Inc., shall have until July 31, 2008 within which to respond and/or otherwise object to Plaintiff's Motion for Summary Judgment (DI 112 & 114).

Judge

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7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1 that:

1. Plaintiff, Angelo Clark , is an incarcerated inmate and is currently being held at the Delaware Psychiatric Center.
2. Due to the incoherent nature of documents filed by Plaintiff, the undersigned has not attempted to seek consent to this motion for extension of time and would therefore assume that the Motion is opposed.

/s/ Eileen M. Ford
Eileen M. Ford, Esquire (2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant
Correctional Medical Services

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CERTIFICATE OF SERVICE

I, **Eileen M. Ford, Esquire**, hereby certify that on June 23, 2008, I electronically filed the **Motion for Extension of Time To Respond To Plaintiff's Motion for Summary Judgment** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following: . I have served via first class mail two copies of foregoing to the Pro Se Plaintiff:

Angelo Clark
SBI # 123209
Delaware Physchiatric Center
James E. Mitchell Bldg.
1901 N. DuPont Hwy
New Castle DE 19720
Via First Class US Mail

/s/ Eileen M.Ford

Eileen M. Ford, Esquire (ID No. 2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 North Market Street, #800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant